

OCTOBER 2004

I. HIRING AND ASSIGNMENT

Q: What contractual limitations are there on hiring teachers at the beginning of a school year?

A: Generally, teachers are hired at the beginning of the year through one of the following methods:

- Transfers: UFT Seniority Transfer, SBO Staffing and Transfer Plan, or Other Transfer (i.e. Integration, Hardship).
- Principal Hires from the Outside: If there is no SBO Staffing and Transfer Plan and no transferees or excess teachers, you may hire a qualified teacher, with the requisite credentials, through job fairs, placement centers, or other employment agency. Consult your Regional Personnel Manager ("RPM") regarding the process for hiring from the outside.

Q: What is the UFT Seniority Transfer Plan?

A: The "UFT Seniority Transfer Plan" allows teachers to apply each spring for vacancies based strictly on seniority; generally, 50% of the vacancies in each school shall be available to transferees. (Source: Teachers' Contract, Article 18).

Q: Can I interview transferees who wish to transfer into my school pursuant to a UFT Seniority Transfer Plan?

A: While you cannot reject a transferee (unless they received an Unsatisfactory rating in any of the previous three years) you may – and should – meet with anyone who is joining the staff in your school. You (or your assistant principal) may: (1) conduct an informational meeting with the new employee to review school policies and communicate expectations for school year; (2) review that person's personnel file; (3) contact that person's prior supervisor; and (4) review that person's service history.

Q: What is the SBO Staffing and Transfer Plan?

A: The SBO Staffing and Transfer Plan is the SBO (approved by a 55% vote of staff) that provides that all hiring decisions for employees represented by the UFT are made by one personnel committee, a majority of which is appointed by the UFT Chapter. (Source: Teachers' Contract, Article 18F). See generally Discussion below regarding school-based options, p. 25. SBO Staffing and Transfer Schools are not subject to UFT Seniority transfers (and usually do not receive excess teachers).

The function of the SBO personnel committee is to: establish objective criteria based on instructional need; establish a process to determine qualified candidates; conduct interviews; and select faculty.

Q: Who sits on the SBO Staffing and Transfer Plan personnel committee?

A: The personnel committee is comprised of: school staff members (provided that they have satisfactory ratings); the UFT chapter leader; the head of the school; and parents. The majority of the committee is comprised of teachers selected by the UFT Chapter.

Q: When will an SBO Staffing and Transfer Plan personnel decision be reversed?

A: Generally, when the school fails to select the most senior teacher who meets the objective criteria established by the personnel committee.

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The committee may not select the most qualified teacher if such teacher is junior to other qualified senior teachers (except in limited circumstances). To reject a senior teacher the committee must find him/her **not qualified**. The one exception is that "a less experienced applicant may be selected if the committee determines that the applicant possesses **extraordinary** qualifications."

Q: What is the hiring process for New or Redesigned Schools?

A: Staff is selected by a personnel committee consisting of: 2 UFT appointments; 2 superintendent appointments; and the principal or project director of the new school. (Note: The principal and 2 superintendent appointments outnumber the UFT appointments.) In addition, "where appropriate," a school planning committee representative and parent representative may also sit on the committee. However, should you choose to have one or both of these representatives on the committee, make sure that they support your mission for the new or redesigned school. (Source: Teachers' Contract, Article 18G).

The key aspects for hiring in a New or Redesigned School are:

- Year One: All staff shall be selected by the personnel committee. If another school is impacted (*i.e.* closed or phased out) staff from that school may apply and at least 50% of the pedagogical positions shall be selected from among the "appropriately licensed most senior applicants from the impacted school staff," who **meet the new school's qualifications**. Any remaining vacancies are filled by the personnel committee by transferees, excesses, and/or new hires.
- Year Two: For schools **without** an SBO Staffing and Transfer Plan, 50% of vacancies are advertised and filled through the UFT Seniority Transfer Plan and 50% filled by the personnel committee. The personnel committee will select the "most experienced **qualified** applicant(s) of those candidates who apply. . . ." For schools that opt to have an SBO Staffing and Transfer Plan, all advertised vacancies are filled pursuant to the SBO Staffing and Transfer Plan.
- Year Three: The regular hiring rules apply unless the school opts for an SBO Staffing and Transfer Plan.

NOTE: The term "Redesigned" is not defined in the Teachers' Contract. If you have any questions regarding whether your school is "redesigned" contact your Regional Counsel or the Office of Labor Relations.

Q: Who decides whether the person is qualified?

A: The personnel committee has wide discretion to determine if an individual applicant meets the unique qualifications for the school.

Q: Do I have to select 50% from the impacted school?

A: No; only if qualified.

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For certain new or redesigned schools, the Department has agreed with the UFT to extend the rules for the First Year to continue in future years. Consult your Regional Counsel if you have a New or Redesigned School.